

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
NE/S Morris Avenue, 100' SE of
the c/l of Spring Avenue
(612 Morris Avenue)
8th Election District
4th Councilmanic District
Paul J. Bace, et ux
Petitioners
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-73-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 9 inches in lieu of the minimum required 2 1/2 feet for a proposed accessory structure (garage) in accordance with Petitioner's Exhibit 1.
The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of October, 1990 that the Petition for Residential Variance to permit a side yard setback of 9 inches in lieu of the minimum required 2 1/2 feet for a proposed accessory structure (garage), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the proposed accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) The height of the proposed garage shall not exceed 15 feet in accordance with zoning regulations.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 10/10/90
By [Signature]

- 2 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 10, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Paul J. Bace
612 Morris Avenue
Lutherville, Maryland 21093

RE: PETITION FOR RESIDENTIAL VARIANCE
NE/S Morris Avenue, 100' SE of the c/l of Spring Avenue
(612 Morris Avenue)
8th Election District - 4th Councilmanic District
Paul J. Bace, et ux - Petitioners
Case No. 91-73-A

Dear Mr. & Mrs. Bace:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-73-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at
612 Morris Ave. Lutherville MD 21093
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)
There is an existing, 12 ft. by 20 ft., cement pad at the end of an existing driveway. It is desired to build a garage on the existing pad.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Paul J. Bace
AFFIANT (Handwritten Signature)
Paul J. Bace
AFFIANT (Printed Name)
Rebecca G. Bace
AFFIANT (Handwritten Signature)
Rebecca G. Bace
AFFIANT (Printed Name)

STATES OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of May, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Paul J. Bace and Rebecca G. Bace

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

May 7 1990
DATE
Karen Squatrito
NOTARY PUBLIC
My Commission Expires:
KAREN SQUATRITO
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1990

ZONING DESCRIPTION

Beginning at a point on the north side of Morris Ave. which is 50 feet of right-of-way wide at the distance of 69.72 100' feet east of the centerline of the nearest improved intersecting street Spring Ave. Being Lot # 7, Block D, Section # D in the subdivision of Country Club Park as recorded in Baltimore County Plat Book # 7, Folio # 128, containing 6,624 square feet. Also known as 612 Morris Avenue and located in the 8th Election District.

#65

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 21, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Paul J. Bace
612 Morris Avenue
Lutherville, Maryland 21093

Re: CASE NUMBER: 91-73-A
ITEM NUMBER: 65
LOCATION: NE/S Morris Avenue, 100' SE c/l of Spring Avenue
612 Morris Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 5, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is September 20, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and posting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that one Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

1/51

G. G. Stephens
(301) 887-3391

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-73-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section _____

400.1 To permit a 9 inch side yard setback for an accessory structure (garage) in lieu of the minimum 2 1/2 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty).

There is an existing, 12 ft. by 20 ft., cement pad at the end of an existing driveway. It is desired to build a garage on the existing pad.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

612 Morris Ave.

Lutherville MD 21093

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

ORDER RECEIVED FOR FILING

Date 8/10/90
By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3205

Date 8/15/90

H9100065

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
030 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: BACE

04040001261CHRC

RS 001400000-15-90

NEXT BUSINESS DAY

Cashier Validation:

Please make checks payable to: Baltimore County

Next Business Day

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: August 22, 1990

Posted for: Residential Variance

Petitioner: Paul J. Bace et ux

Location of property: NE/S Morris Avenue, 100' SE c/l of Spring Avenue

Location of Sign: Front of lot, 111 West Chesapeake Avenue

Remarks:

Posted by: [Signature] Date of return: August 21, 1990

Number of Signs: _____

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 612 MORRIS AVE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: COUNTRY CLUB PARK

plat book # 7, folio # 133, lot # 7, section # 0

OWNER: PAUL + REBECCA BACE

Petitioner Exhibit 1

69.72' to E of SPRING AVE

MORRIS AVE 50' R/W, 22' PAVING

91-73-A

North
date: 5/14/90
prepared by: EPK

Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Councilman's District: 4

Election District: 8

1"=200' scale map: NW-12-A

Zoning: D.R. 5.5

Lot size: 0.15 6,624
acres square feet

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☐
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: 65 CASE #:

#65

91-73-A

610 Morris Avenue
Lutherville, MD 21093

May 7, 1990

Baltimore County Zoning Board
County Courthouse
Towson, MD 21204

To Whom It May Concern:

I, Lillian Beck, own and reside at 610 Morris Avenue, Lutherville, MD. This property is adjacent to that of Paul Bace, 612 Morris Avenue. I am aware that he intends to build a garage on his property, utilizing the pre-existing concrete pad adjacent to the boundary between our properties. I have no objection to the construction of this garage and support his application for a zoning variance to allow him to construct this garage closer than 3 feet from the boundary between our properties.

Lillian Beck
Lillian Beck

Petitioner Exhibit 2

PETITIONER'S EXHIBIT # 3

CASE NUMBER: 91-73-A

EXISTING SIDE YARD

